

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-855 (Sub-No. 1X)¹

A & R LINE, INC.–ABANDONMENT EXEMPTION–
IN CASS AND PULASKI COUNTIES, IN

Decided: December 23, 2003

By decision and notice of interim trail use served on November 18, 2003, the Board, under 49 U.S.C. 10502, exempted from the prior approval requirements of 49 U.S.C. 10903, the abandonment by A & R Line, Inc. (A&R), and discontinuance of service by Toledo, Peoria & Western Railway Corporation (TP&W) over, a line of railroad known as the A&R line, extending from milepost 5.1W near Kenneth to the end of the line at milepost 21.0W near Winamac, a distance of 15.9 miles in Cass and Pulaski Counties, IN, subject to environmental, trail use, public use, and employee protective conditions.

On November 28, 2003, Kokomo Grain Company (Kokomo) timely filed an offer of financial assistance (OFA) under 49 U.S.C. 10904 and 49 CFR 1152.27 to purchase the line for \$525,000. In a decision served on December 3, 2003, the effective date of the exemption authorizing abandonment was postponed to permit the OFA process to proceed. The decision indicated that, if A&R and Kokomo cannot agree on the purchase price, either party may request that the Board set terms and conditions of the purchase price on or before December 26, 2003.

In a motion filed on December 23, 2003, A&R and TP&W (jointly, petitioners) indicate that pleadings that they have filed in this proceeding incorrectly described the subject line as a 15.9-mile line of railroad. According to petitioners, the subject line is actually 21 miles long, extending from milepost 0.0W² at Kenneth to milepost 21.0W at Winamac. The petitioners state that they became aware of the

¹ Prior decisions in this proceeding also embraced Toledo, Peoria & Western Railway Corporation–Discontinuance of Service Exemption–in Cass and Pulaski Counties, IN, STB Docket No. AB-847 (Sub-No. 2X).

² Petitioners state that this milepost has been designated as milepost 5.1W but that petitioners
(continued...)

error when analyzing the OFA filed by Kokomo. In the motion, petitioners ask that the Board permit them to amend their pleadings to correct these errors. They also request that the Board revise its decisions to reflect the correct description of the line. Petitioners also ask that the OFA process be held in abeyance while the Board considers their motion, so that Kokomo would have the opportunity to make an offer for the 21-mile line.³

The petitioners' request is reasonable and will be granted. The OFA process will be held in abeyance while the Board considers petitioners' motion.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. The OFA process is held in abeyance while the Board considers petitioners' motion.
2. This decision is effective on its service date.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams
Secretary

²(...continued)
mistakenly referred to the length of the line as 15.9 miles rather than 21 miles.

³ Petitioners indicate that they would agree to the filing of a revised trail use request for the 21-mile line.